

THE  
ORDERS

LAVVES AND  
ANCIENT CVS.  
TOMES OF SWANNS.

*Roger Pepys*

*C. 31. e. 26.*

*Caused to be Printed by Iohn WITHERINGS  
Esquire, Master and Governour of the Royall game of Swans  
and Signets, throughout England.*

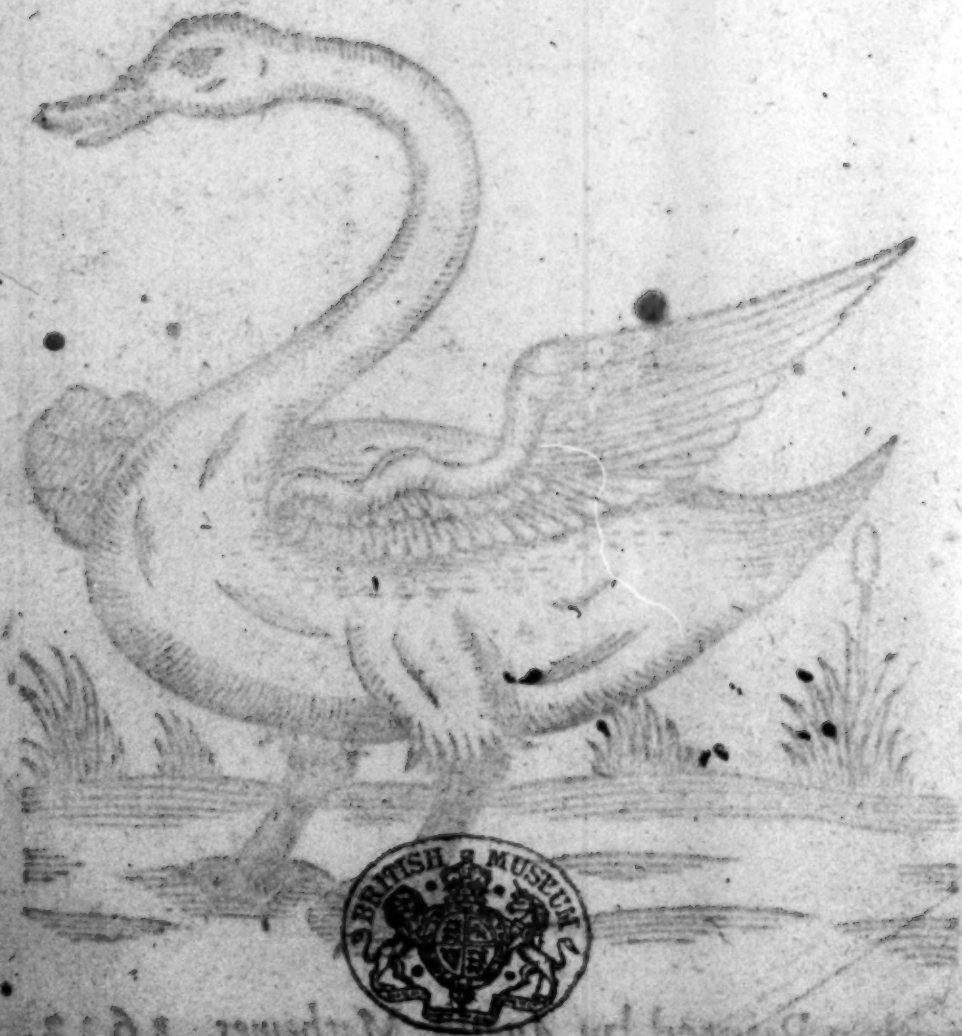
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London Printed by *August. Mathewes.* 1632.

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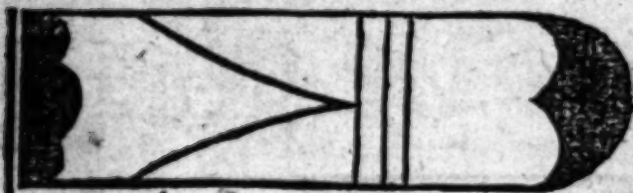
Compiled by John Withers  
Esquire, Master and Governor of the Royal Gunpowder  
and Spirit Store, London, England.



London: Printed by W. Miller, 1783.



# The Kings Marke.



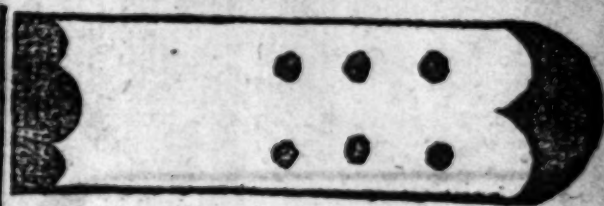
## The Prince his Marke.



## The Kings stray Swanns.



# The Queenes Marke.



## The Princes her marke

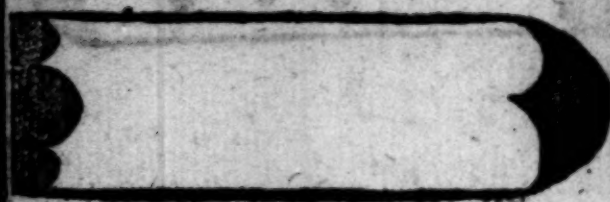


## The Dutchy of Lancaster.



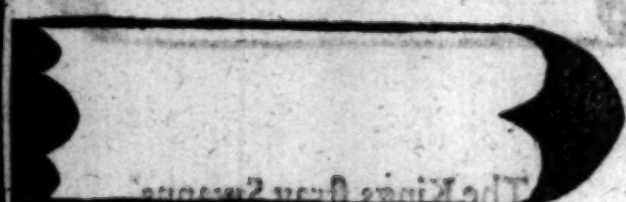
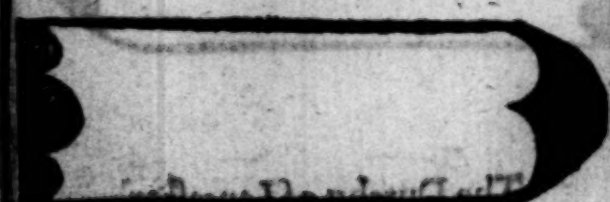
The Queens Mark

The Kings Mark



The Queens Mark

The Kings Mark



The Queens Mark

The Kings Mark








To the VVorshipfull IOHN VVINTHERINGS Esquire, chiefe Master and Governour of the Royall game of Swanns and Signets, throughout the Kingdome of England.

SIR.



Our deputie Master Loggins, hearing that I had some ancient notes of the Customes and Orders concerning Swanns, desired me that you might have a sight of them, which I have sent you, together with certaine Presidents or formes of Commissions for keeping Swanheards Courts, and Copies of ancient Patents, which I received of a very honest gentle-man Master Edward Clerke of Lincolnes Inne Esquire, Father to Sir Edward Clerke one of the Masters of the Chauncery. These he delivered mee about 18. yeares agoe, at what time Sir Lawrence Tanfeeld late Lord Chiefe Baron, and my selfe had a deputa-

## The Epistle

tion from Sir *William Androwes*, of that walke, which Master *Loggins* now hath from you: Master *Clerke* was before mee, but as I remember he told me he had his deputation from my Lord of *Buckhurst*, and not from Sir *James Mer- vin*. Howsoever, the titles are truly by mee transcribed, as I received them written with his owne hand. There are Orders also Printed; and yet somewhat differing from these, which Orders were made at one particular Court long agoe. And at a Court holden at *Burford* in the county of *Oxon* about 15. yeares agoe by the sayd Sir *Lawrence Tanfeeld* and others, some new Orders were made; which Sir *Lawrence Tanfeeld* sayd were Warrantable by the Commission, and lawfull to be made, where and when they were fit and necessary for the preservation of *Swannes*. Yet so that those particular Orders may bee altered upon occasion: But the ancient Customes contained under the name of Orders may not. There hath beene so little care taken for preserving and publishing these ancient Customes, that they are not of all Gamsters knowne. And your deputies commonly send their servants among us, who as they are more or lesse covetous, so do they impose more  
or



*Dedicatorie.*

or lesse upon us : And when wee that are the  
ancient gamsters oppose them, wee have some  
contention. You shall therefore ( Sir ) doe well,  
if comparing these wvith your other notes , you  
finde them to serve generally for England , as  
well as for our river of Thames : That you  
give to all your Deputies , and to all Commis-  
sioners copies , that so all gamsters may know  
the certaine Customes which are to bee kept :  
And so I bid you heartily Farewell.

Your Louing friend  
*John D'oyly.*

*From Alborne in Wiltshire,  
this 26<sup>th</sup> of January, 1631.*

**T**hese Orders, according to Master Doyly his direction, I have examined and compared with some other Orders which are now in print; and have beene observed and used in some parts of this Kingdome: but I finde anciently used these Lawes Customes and Orders in most parts of this Kingdome, and not much differing from those Orders now Printed, in matter of substance, but onely in forme. As also I finde a Commission used for the preservation of the Royall game of Swanns and Signets directed to Noble-men, Knights, and Gentle-men, for the enquiring of abuses committed contrary to these Laudable Orders and Customes, and the offences to punish according to their severall qualities, and have caused these Orders to bee printed that thereby better knowledge may bee taken of them by every deputie Master of the Game.

JOHN WITHERINGS.







# THE LAVVES ORDERS

and customes for Swans, taken forth of a  
booke which the Lord of *Buckhurst* de-

liuered to *Edward Clerke* of *Lincolnes Inne*

*Esquier*, to peruse, *An. Eliz. 26.* On the

backside of which booke : It

was thus intituled

Taken out of an ancient booke remaining

with *Master Hambden*, sometimes *Master*

of the *Swannes*.



IRST, If any person doth possesse any  
Game of Swannes, that may not dispend  
fine Marks a yeere of Freehold (except the  
sonne of the King) the Swannes of euery  
such person are forfeit to the King 22,  
*Edward 4.*

2. If any person possesse any Game of Swannes, and  
hath not payd his fine for the same: his Game of Swans  
is to be seized for the King, till his fine be payd. Which  
fine is Sixe shillings eight pence, and no man is to pay  
it more then once during his life.

3. But if any person hauing no Marke allowed him,  
haue one or more Swannes giuen him, or haue any Land-  
bird signe marked : he may keepe them in the common  
Riuer till the next Vpping time (without fine) paying  
the Commons and other charges for the Vpping.

4. If any Person hauing Swannes, either within *Franchise*

A

chise





*chises* or without bee attainted, his Swannes are forfeit to the King onely, and not to any other person whatsoever.

5. Also all Swannes that are cleare of Bill, without marke or signe marke, are the Kings onely, whether they be pinioned or flying Swannes.

6. Also all stray Swannes which no man can challenge by his Marke, those are the Kings onely. And they are to be seized for the King, and marked on the legge, but are not to be caryed away the first yeare.

7. In all Common streames and priuate waters when Cignets are taken vp, the owner of the Cob must chuse the first Cignet, and the Pen the next, and so in order. But if there be three, then the owner of the Grasse where they breed, must haue the third, for the spoyle of his Grasse: and must pay to the King Twelue pence for the same Land-bird, sauing in such places where of ancient custome they pay leise, or more.

8. If an Heiry be ledd with one Swanne onely, the halfe of those Cignets shall be seized for the King, till prooffe bee made whose the Swanne was that is away; but are not to be caryed away that yeare.

9. The Master of the Game, or his Deputy shall yearly come at the vsuall dayes of marking Swannes in that streame (on paine of loosing his Fees during his absence) And he shall keepe a Roll or standard booke, containing all the vluall markes of that streame. He shall also keepe a Register booke of the number of euery mans Swannes, and the place where they are vpt. And shall likewise bring the booke of the last yeere. For which every Gamster is to giue him yearly, Foure pence.

10. Also the Master of the Game, or his Deputy, is to haue a penny for vpping every white Swanne, and two pence for every Cignet, and shall haue his dinner and supper

supper, and hay or grasse for his Horse discharged by the Gamsters every Vpping day, except in such streames where by ancient custome other composition is vsed.

11. If any man desire the Master of the Game to enter any note in his booke (other then the notes due to be written as afore said) or to take any note out of his booke vnder his hand, he is to pay for the same iiii.d.

12 If any marked Swanne be vnpinioned, and thereby doe or may fly, the Owner of that Swanne is to pay Foure-pence. And if any man take any flying Swanne or Cignet, he must bring the same to the Master of the Game or his Deputy, and take for his paines 8.d. on paine of Fourtie shillings.

13 It is ordayned that no person shall lay lepes, set any Nettes, or Dragge within the Common streames or Riuers vpon the day time from the Feast of the Inuention of the Crosse vnto the Feast of *Lamas*, vpon paine so often as they be found so offending to forfeite 20.s.

14 If any Swanne be found double marked, imbezeled, or by vnskilfulnesse put out of right marke, the Master of the Game is to chuse five Gamsters (such as are indifferent) to iudge who hath right to that Swanne. And hee to whom the Swanne shall bee adiudged, shall pay Foure-pence for registering the said imbezeled or wrong marke. But if those five, or the greater number of them doe not adiudge the said Swanne to one of the Gamsters, then the Swanne is due to the King.

15 The vsuall dayes for vpping of Swannes are not to be altered without consent of the greater number of Gamsters of that streame, and that by Proclamation made in all marker Townes neere the said streame.

16 No person shall goe on marking without the Master of the game, or his Deputy bee present vpon paine



to forfeit Fourtie-shillings. But if by sicknesse or other occasion, hee be absent at the vsuall Vpping dayes, the company may goe on, so that some sworne Gamster keepe the Register booke, and receiue all the dues, and deliver them to him at his comming.

17 If any person doe imbezele, raze, or alter, the marke of any Swanne, to the losse or hindring of any mans game, he shall suffer one yeares imprisonment, and be fined Three pounds six shillings, eight pence, and for ever bee disabled to be a Gamster.

18 And to the end that in Vpping-time no Swanne be imbezeld, it is ordained, that no man draw blood of any swanne, till the Master of the Game, or his Deputy haue viewed the said swanne, and declared whose the swanne is.

19 No swanne (other then Cleerebild) is to be marked for the King on the beake, but onely on the legge. For two markes on the beake are vnlawfull.

20 The Master of the Game may presently sell or cary away all swannes that are Cleerebild, imbezeled (as aforesaid) and all swannes forfeit for want of Freehold, or by attaint of the Owner.

21 And yet neither the Master of the Game, nor any other Gamster may take away any swanne which is in broode with any other mans, or which is coupled, and hath a walke, without the others consent, for breaking the broode.

22 It is ordained that Commons, that is to say, dinner and supper is to be paid daily by euery Banker or Commoner, whether he bee present or absent. But if he be absent, the Master of the Game is to lay it out for him (as likewise all other dues) till their next meeting or Vpping. But the said Commons shall not exceed  
about

aboue Twelue-pence a man. And if the Company will spend more, they are to pay the overplus, by the Poll.

23 To the end that diet may bee had at a reasonable rate, and likewise lodging: the place of taking both, is to be chosen by the greater-number of the Cōmoners.

24 If any person bee found carying a Swan-hooke within fourtie lugg of any streame, sauing on the Vpping dayes, and not accompanied with two swan-herdes, he shall forfeit Thirteene-shillings foure pence. But vpon the Vpping dayes, every Gamster that caryeth not a Hooke (except such Gentlemen as for pleasure goe to see their owne game) shall forfeit eight pence a day, the one halfe to bee for the Master of the Game, the other halfe for the company.

25 No person shall take vp any Swanne or Cignet marked or vnmarked, vnlesse it be done in the presence of two other swan-herdes, and that by allowance of the Master of the Game, or his Deputy, for which allowance hee is to pay Foure-pence vpon paine to forfeite Fourtie shillings.

26 If any swan-herdes depart before hee haue made even with the Master of the Game, for all dues, hee is to forfeite Twelue pence: For which, as for all dues, the Master of the Game, or his Deputy, may distreine the game: and at the next Vpping may pay himselfe by distraining and sale of the Game, rendring to the party the overplus.

27 If there bee any person or persons, that hath Swannes, that doe heirie vpon any of their Rivers, or severall waters; and afterward come to the common water or River, they shall pay a Land-bird to the King, and be obedient to all Swan-lawes: For diuers such persons do vse collusion to defraude the King of his Right.



28 If any person shall take away the egge or eggess of any swanne: Every such Offender shall be imprisoned a yeere and a day; and shall pay Thirteene shillings Foure pence for every Egge so taken away. Whereof halfe to the King, and halfe to the Owner of the swan.

*II. of Henry 7.*

29 If any person doe driue away any Swanne breeding or providing to breede, be it on his owne ground, or on any other mans: he shall be fined 13.s. 4 d. and shall suffer one yeares imprisonment. *II. of Henry 7.*

30 If any Dogge shall driue any Swanue away from her nest; the Owner of such Dogge shall forfeite Thirteene shillings foure pence. But if any Dogge shall kill any old Swanne; the Owner of such Dogge shall forfeite to the King Foure shillings. Whether he be there or not.

31 If any person shall hunt any Ducks, or any other chase in the water with any Dogge or Dogges in fence time; (that is, from the feast of *Easter* till *Lammes Eue*) he shall pay for every offence, sixe shillings eight pence.

32 It is ordained that if any person doth set any Snares or any manner of Nets, Lime, or Engines, to take Bittorns or Swannes, from the Feast of *Easter*, to the Sunday after *Lammes* day: Hee or they to forfeite to the Kings Maiestie for every time so setting, 6.s. 8.d.

33 If there bee any weares vpon the Rivers, not having grates before them, whereby the Swannes and Cignets may be defended from drowning: the Owner of such Weare shall forfeite to the King thirteene shillings foure pence.

34 All Fisher-men are to assist the Master of the Game or his Deputy, in the execution of their office on the Vpping dayes, with their boates at the vpper end of



(7)

of their severall waters, vpon paine of tenne shillings for every default. For which service the Master of the Game shall cause the accustomed Fees to be payd to the said Fisher-men.

35 Lastly, If there be any other Misdemeanour, or Offence committed, or done by anie Owner of any Game, Swan-heard, or other person whatsoever, contrary to any Lawe, ancient Custome, or usage heretofore used and allowed, and not before herein particularly mentioned or expressed, you shall present the same Offence, that reformation may be had, and the Offendors punished, according to the quantity and quality of the severall Offences,

**A**T every Swan-heard's court, all Offences committed by breach of these orders, are to be enquired of.

Note that the Swan-heard for the Dutchy of *Lancaster* is to observe, and see observed, all these orders in his circuite, and to receive the Fees belonging to the Kings Swan-heard.

Note, that in all forfeitures to the King, a fourth part is due to him that gives information of the offence.

Note that none is to go as a Swan-vpper, but those who are sworne, if Courts be often kept.

*FINIS.*

God save the King.